

Oct 06 03 12:59p

McGlew

9149415855

#6  
McL.H.  
10-803 p.1

REGISTERED PATENT ATTORNEY  
JOHN JAMES MCGLEW J.D., NY, NJ, DC BARS

THEOBALD J. DENGLE, PATENT AGENT

HILDA S. MCGLEW M.D., PATENT AGENT

## MCGLEW AND TUTTLE, P.C.

PATENT, TRADEMARK, COPYRIGHT, AND UNFAIR COMPETITION CAUSES

*Counselors at Law*

TEL: (914) 941-5600

FACSIMILE: (914) 941-5855

EMAIL: MandT@mcglewtuttle.com

1 SCARBOROUGH STATION PLAZA  
SCARBOROUGH, NEW YORK 10510-0827

ATTORNEY DOCKET NO: 70055

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : KNIGHT et al.  
Serial No : 09/901,873  
Confirm. No : 5953  
Filed : July 9, 2001  
For : PELLETIZING DIE...  
Art Unit : 1732  
Examiner : Mark Eashoo  
Dated : October 6, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS PAPER FOR SERIAL NO. 09/901,873 (3 PAGES IN ALL) IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE FACSIMILE NUMBER 1-703-872-9306 ON THE DATE SHOWN BELOW.

Toni Ann Fonte  
NAME OF PERSON SIGNING CERTIFICATION

Toni Ann Fonte  
SIGNATURE

DATED: October 6, 2003  
McGLEW AND TUTTLE, P.C.  
SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-0827  
TELEPHONE: (914) 941-5600  
FACSIMILE: (914) 941-5855

NOTE: IF THERE IS ANY ADDITIONAL FEE DUE PLEASE CHARGE IT TO OUR DEPOSIT ACCOUNT 13-0410 AND ADVISE US OF ANY CHARGE THAT YOU MAKE

70055.12

RECEIVED  
CENTRAL FAX CENTER  
OCT 06 2003

OFFICIAL

**OFFICIAL**#6  
N.L.H.  
10-8-03

ATTORNEY DOCKET NO: 70055

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : KNIGHT et al.  
Serial No : 09/901,873  
Confirm. No : 5953  
Filed : July 9, 2001  
For : PELLETIZING DIE...  
Art Unit : 1732  
Examiner : Mark Eashoo  
Dated : October 6, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
CENTRAL FAX CENTER  
OCT 06 2003RESPONSE TO REQUIREMENT UNDER 35 USC § 121

In response to the Office Action dated September 4, 2003, Applicant hereby elects the species of Invention I drawn to a pelletizing dye with claims 1 - 8 and 10 - 22.

Applicant respectfully requests that the Examiner reconsider the restriction requirement. The restriction requirement indicates that Groups II and I are related as process and apparatus for its practice. The restriction feels that the apparatus as claimed can be used to practice another and materially different process such as one that extrudes and pelletizes a formed polymer in a manner that it has a fractured surface. Applicant notes that claim 8 sets forth an apparatus in the form of a pelletizing dye which has a polymer channel to extrusion orifice transition zone to prevent melt-fracture. It is Applicant's position that the apparatus of claim 8, and the method of claim 9, are therefore sufficiently related so that a single search would be beneficial. Further, the close relationship between the method and the apparatus are such that

the apparatus, especially with claim 8, cannot be used to practice a materially different process.

If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

Favorable action is respectfully requested.

Respectfully submitted  
for Applicant,

By: 

Theobald Dengler  
Registration No. 34,575  
McGLEW AND TUTTLE, P.C.

TD:tf  
70055.11

DATED: October 6, 2003  
SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-0827  
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE  
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-  
0410.

RECEIVED  
CENTRAL FAX CENTER  
OCT 06

OFFICIAL